



Application No. : 10/068,773
Applicant : SHIBATA et al.
5 Filed : February 5, 2002
Art Unit : 1771
Examiner : CHANG, Victor S.

Confirmation No. 7568

10 Docket No. : SHO 1008-01US
Customer No. : 28327
Date: : November 15, 2004

15 Mail Stop: Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 APPLICANTS' INTERVIEW SUMMARY

Sir:

25 The applicants thank the examiner for conducting a telephone interview after the final Office Action mailed July 13, 2004. That interview, held September 9, 2004, was summarized in an examiner's Interview Summary, mailed September 16, 2004. The applicants provide the following statement regarding the substance of the interview.

30 1. In response to a request in paragraph 4 of the final Office Action, it was explained that the applicants do not possess a full copy of a JP Hei 3-85886 translation.

35 2. In response to a requirement in paragraph 5 of the final Office Action, the applicants' attorney pointed out, and the examiner acknowledged, that the required drawing was submitted on Nov. 4, 2003. The examiner agreed to withdraw the related objection to Fig. 11(A) in the final Office Action.

40 3. In response to the refusal to grant the applicants priority to JP 2001-028776, as recited in the first paragraph on page 9 of the final Office Action, the applicants' attorney pointed out, and the examiner acknowledged, that the certified translation of the priority document for JP 2001-028776 was submitted on May 5, 2004.

4. In regard to the paragraph beginning with the words "For claim 8," on page 6 of the Office Action, the applicants' attorney confirmed the Office Action statement that the test method in itself is not a structural element. The test method simply provides a context for

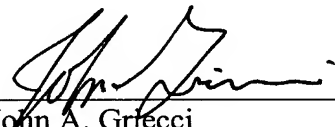
construing the claimed structural property of "a ventilation resistance value in a horizontal direction that does not exceed 0.20 Kpa·s/m".

5. In the interview, the applicants argued that breathability in a horizontal direction of an absorption mat is not an inherent property, because inherence requires that an asserted feature necessarily is present (see M.P.E.P. 2112 IV). In support of this argument, the applicants described a hypothetical absorption mat that they believed claim 2 of cited reference JP-A-H03-85886 would read upon, yet would fail to have horizontal breathability. Therefore, horizontal breathability is not necessarily present in a tray mat.

The examiner noted the applicants' argument, and said he would reconsider his position if applicants can provide evidence that breathability in a horizontal direction is not an inherent property.

Respectfully submitted,

SHIBATA et al.

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